

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1, 3-9, 11-13, 15, 31-32, and 35-36 are pending. Claim 35 is presently amended to correct antecedent basis and to clarify the claimed concentrations (discussed in detail below). Support for these amendments can be found throughout the specification and claims as originally filed. No new matter is added by way of this amendment.

The Examiner has objected to claim 35 due to informalities related the grammar in the claim. Applicants have amended claim 35 to address these corrections by removing "an" and adding "s" to agent. Therefore, Applicants have placed the claim in proper form. Withdrawal of the claim objection is respectfully requested.

Claim 35 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner states that independent claim 35 recites an anti-irritant composition comprising one or more antimicrobial compounds at a concentration of between 0.05% - 4% (weight/weight). According to the Examiner, when two or more antimicrobial compounds are present, it is unclear whether the claimed concentration refers to the individual antimicrobial agents, or the combined amount of the agents. Applicants have amended the claims to recite that the claimed concentration refers to the concentration of individual antimicrobial agents (*see, e.g.*, Claim 10 as originally filed). No new matter is added by way of this amendment. Applicants respectfully request that the rejection be withdrawn.

The Examiner has rejected claims 1, 3-9, 11-13, 15, 31-32, and 35-36 on the ground of nonstatutory obviousness-type double patenting as double-patenting over claims 8-26 and 53-57 of U.S. Patent No. 7,745,425 ("the '425 patent"); claims 9-11 of U.S. Patent No. 7,536,461 ("the '461 patent"); and claims 1-6 of U.S. Patent No. 7,435,429 ("the '429 patent"). The Examiner notes that the conflicting claims are not identical, but contends that the pending claims are not patently distinct from the cited patents. Applicants respectfully submit a Terminal Disclaimer over the '425 patent, the '461 patent, and the '429 patent. Withdrawal of the rejections is respectfully requested.


In view of the above amendments and remarks, it is respectfully requested that the application be allowed and passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's

Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Applicants believe that no fees in addition to the fee associated with the Petition to extend time are due at this time. However, if any other fees are required, the Commissioner is authorized to charge such fee to Deposit Account No. 02-4377.

Respectfully submitted,
BAKER BOTTS L.L.P.

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Sandra S. Lee
Patent Registration No.: 51,932

Lisa B. Kole
Patent Registration No.: 35,225

30 Rockefeller Plaza
New York, NY 10112-4498
(212) 408-2500
(212) 408-2501 (fax)